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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,599	05/04/2005	Luis Carlos Sernan-Dez Arppe	P/189-375	7504

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OSTROLENK FABER GERB & SOFFEN
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NEW YORK, NY 100368403

EXAMINER

KARIKARI, KWASI

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/526,599

Applicant(s)

SERNAN-DEZ ARPPE ET AL.

Examiner

Kwasi Karikari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/15/2007 has been entered.

Response to Arguments

3. Applicant's arguments filed on 04/17/2006 have been fully considered but they are not persuasive.

In response to the Applicant's outstanding argument that combination of Gibson et al., (U.S. 6,775,249), (hereinafter Gibson) and Raviv et al., U.S. 20020164983 A1), (hereinafter Raviv), in claims 1 and 11, fails to teach IMSI, the Examiner respectfully disagrees. Raviv implicitly teaches such feature. Raviv discusses a roaming GSM network that includes a Visited Public Mobile Network (VPMN) and Home Public Mobile Network (HPMN); and a device identifier 340 that further comprises a home network

identifier to identify the device's home network (see Raviv, Pars. [0004 and 0254]).

Raviv further mentions that the home network identifier identifies the mobile device's respective home network from parameters that may include: the MSISDN; for authorization or authentication of the roaming device (see Raviv, Par. [0245]).

For further clarification, the MSISDN is the actual telephone number of the device, which is implicitly related to the IMSI which is the device's mobile identification in the home and visited GSM system as mentioned above.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 4 the applicant recites the limitations "short message text", however, there is insufficient prior art basis for these limitations in the claims. For examination purposes, the examiner will treat the proceeding claimed limitations in light of applicant's specification. Appropriate corrections are required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-23 are rejected under U.S.C. 103(a) as being unpatentable over Gibson et al. (U.S. 6,775,249), (hereinafter Gibson) in view of Raviv et al., (U.S. 20020164983 A1), (hereinafter Raviv).

Regarding **claims 1 and 11**, Gibson discloses a dialing error notification system (fax and voice messaging facilities GIRAFF 220 and DISC 130 which operate to inform customer of a dialing error has occurred, see col. 4, lines 6-45 and Fig. 1) for telephony network (users at a particular area make particular dialing errors, see col. 9, lines 1-12),

a first node (call monitoring 200 and GIRAFF 220, see col. 6, lines 14-63) of the telephony network comprising means apparatus for analyzing a number dialed by a subscriber and determining whether said dialed number complies with at least one predetermined error criterion (GIRAFF analyzes dialing error, see col. 6, lines 14-63); and

apparatus for sending a message (fax facility 330 or voice download 355, see Fig. 3) with a dialing error notification to the subscriber if said dialed number complies with at least one predetermined error criterion (announcement informing customer that error has occurred, see col. 4, lines 33-45); and
apparatus for determining the identity of the home mobile telephony network based subscriber (calling line identity CLI, operates to identify the identity the number dialed by

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terminal 100, see col. 4, lines 45-58), but fails specifically to teach a visited subscriber, a visited network, short message and the International Mobile Subscriber Identity of the visiting subscriber.

Raviv teaches a visited subscriber (WAP phone 210), a visited network (VPLMN, see Pars. [0274-76]); short message service and (see Pars. [0243, 0290-92] and Figs. 1 & 2) and International Mobile Subscriber Identity (MSISDN; see Par. [0245]).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Raviv into the system of Gibson for the benefit of achieving a system that provides short message service in a visited mobile network.

Regarding **claims 2 and 12**, according to claims 1 and 11, Gibson fails to teach that the said first node is a Service Control Point of the visited mobile telephony network.

However, Raviv teaches that the said first node is a Service Control Point of the visited mobile telephony network (see Pars. [0007-8]).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Raviv into the system of Gibson for the benefit of achieving a system that provides short message service in a visited mobile network.

Regarding **claims 3 and 16**, according to claims 1 and 11, Gibson fails specifically to teach that the system comprising: apparatus for sending a message (M1) to an SS7-IP gateway from the first node, said message (M1) being a message with instructions to

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send the short message; apparatus for sending an http message to a short message sending server from said SS7-IP gateway, said http message being a message with instructions to send the short message; Short Message Service Centre of the visited network from said short message sending server upon receipt of said instructions by said short message sending server.

However, Raviv teaches sending a message (M1) to an SS7-IP gateway from the first node, said message (M1) being a message with instructions to send the short message; apparatus for sending an http message to a short message sending server from said SS7-IP gateway, said http message being a message with instructions to send the short message; Short Message Service Centre of the visited network from said short message sending server upon receipt of said instructions by said short message sending server (see Pars. [0007-8, 0243, 0290-92] and Figs. 1 & 2).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Raviv into the system of Gibson for the benefit of achieving a system that provides short message service in a visited mobile network.

Regarding **claims 4 and 17**, according to claims 1 and 11, Gibson fails specifically to teach that the system is comprising apparatus for selecting text for the short message text.

However, Raviv teaches a short message service (see Pars. [0243, 0290-92]

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Raviv into the system of Gibson for the benefit of achieving a system that provides short message service in a visited mobile network.

Regarding **claims 5 and 18**, according to claims 3 and 16, Gibson fails specifically to teach that the system is comprising the short message sending server includes a database with short message texts and an indicator code included in the http message received from the SS7-IP gateway.

However, Raviv teaches that the system is comprising the short message sending server includes a database with short message texts and an indicator code included in the http message received from the SS7-IP gateway (see Pars. [0007-8, 0243, 0290-92] and Figs. 1 & 2).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Raviv into the system of Gibson for the benefit of achieving a system that provides short message service in a visited mobile network.

Regarding **claims 6 and 19**, according to claims 3 and 16, Gibson fails specifically to teaches a visiting subscriber to whom the short message is to sent.

However, Raviv teaches a data service such short message service (see Pars. [0007-8, 0243, 0290-92] and Figs. 1 & 2).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Raviv into the system of Gibson for the benefit of achieving a system that provides short message service in a visited mobile network.

Regarding **claims 7 and 20**, according to claims 1 and 11, as the combination of Gibson and Raviv is made of, Gibson further teaches apparatus for sending an initial control set-up message to a first node, comprising at least the following data: the telephone number dialed by the subscriber (a call that the customer is attempting to establish, see col. 4, lines 7-10); but fails to teach a mobile telephone number of the visiting subscriber; and the International Mobile Subscriber Identity of the visiting subscriber.

However, Raviv explicitly teaches International Mobile Subscriber Identity of the visiting subscriber (MSISDN; see Par. [0245]).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Raviv into the system of Gibson for the benefit of achieving a system that provides short message service in a visited mobile network.

Regarding **claims 8 and 21**, according to claims 1 and 11, as the combination of Gibson and Raviv is made of Gibson further teaches the apparatus for sending an initial control set-up message to the first node is comprised in the Mobile Switching Centres of the telephony network, such that when a subscriber in a cell corresponding to Mobile Switching Centre dials a telephone number, said Mobile Switching Centre sends the

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initial control set-up message to the first node (receiving dialed number at Switching Center, see step 400 and Fig. 4a).

Regarding **claims 9 and 22**, according to claims 1 and 11, as the combination of Gibson and Raviv is made of, Gibson further teaches a control apparatus for preventing a message (a fax has been sent within the previous predetermined period, see col. 10, lines 16-25) with a dialing error notification from being sent to a subscriber if the time elapsed since a first message with a dialing error notification was sent to said subscriber is less than a predetermined minimum time (see col. 9, line 64- col. 10, lines 35).

Regarding **claims 10 and 23**, according to claims 1 and 11, as the combination of Gibson and Raviv is made of, Gibson further teaches, wherein the error criteria include one or several criteria selected from the group consisting of the following criteria:

- the number dialed begins with "+" followed by a sign different from a figure C, I/C x9;
- the number dialed begins with "00" followed by a sign different from a figure C, 1 < C /9;
- the number dialed is a g-figure number beginning with a figure which is not 6, 7, 8 or 9,.
- the number dialed begins with "+" or "00." followed by a country code followed by an escape code not applicable for international dialing to said country; and

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- the number dialed is a number with fewer than 9 figures which is not a short code (error may occur because some countries may have error in regional code or insufficient digitals in the number dialed, see col. 10, lines 59-62).

Regarding **claim 13**, according to claim 11, as the combination of Gibson and Raviv is made of, Gibson further teaches, wherein based on the identity home mobile telephony network of the subscriber as determined by the International Mobile Subscriber Identity of the subscriber, it is determined whether the subscriber has the right to a dialing error notification service (an inherent feature of services provided in Fig. 1, because checking whether a subscriber is entitled to receive a service prior to offering the service is common procedure in telecommunication network).

Regarding **claim 14**, according to claim 13, as the combination of Gibson and Raviv is made of, Gibson further teaching of system of GIRAFF and DISC 130 (see col.7, lines 44-61), meets the limitations of claim 14

Regarding **claim 15**, according to claim 14, as the combination of Gibson and Raviv is made of, Gibson further teaching of system of GIRAFF and DISC 130 (see col.7, lines 44-61), meets the limitations of claim 15.

6. **Claim 24 is rejected under U.S.C. 103(a) as being unpatentable over Gibson in view of Raviv and further in view of Lohtia et al., (U.S. 20030211845 A1).**

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Regarding **claim 24**, according to claims 3 and 16, as the combination of Gibson and Raviv fails to teach that the method is only carried out for visiting subscribers who are not provided with CAMEL service O-CSI flag.

Lohtia teaches a GSM CAMEL messaging application (see Par. [0034]).

It would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Lohtia into the system of Gibson and Raviv for the benefit of achieving a system that includes SMS server to facilitate transmission of information to user device.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

O' Neil et al. (U.S. 5,963,864) teaches method and system for automatic connection telephone calls to multiple device having different directory numbers.

Harlow et al., (U.S. 5,206,901) teaches a method and apparatus for alerting multiple telephones for an incoming call.

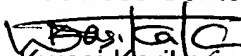
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwasi Karikari whose telephone number is

571-272-8566. The examiner can normally be reached on M-F (8 am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8566.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kwasi Karikari
Patent Examiner.

JEAN GELIN
PRIMARY EXAMINER

03/01/2007

